

# **EXHIBIT B**

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

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TENNESSEE CONFERENCE of  
the NATIONAL ASSOCIATION  
for the ADVANCEMENT of  
COLORED PEOPLE, on behalf  
of itself and its members,  
et al.,

Plaintiffs,

vs. Civil Action No. 3:20-cv-01039

WILLIAM LEE, in his official  
capacity as Governor of the  
State of Tennessee, et al.,

Defendants.

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VIDEO DEPOSITION OF:

JUANITA SHAW

September 30, 2022

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Post Office Box 190461  
Nashville, Tennessee 37219-0461  
(615) 742-2550  
beresandassociates.com

## A P P E A R A N C E S

For the Plaintiffs:

Ms. Blair Bowie  
Attorney at Law  
Campaign Legal Center  
1101 14th St. NW, Suite 400  
Washington, DC 20005  
(202)-736-2200  
[bbowie@campaignlegal.org](mailto:bbowie@campaignlegal.org)

Mr. Denmark J. Grant  
Attorney at Law  
211 Commerce Street, Suite 800  
Nashville, TN 37201  
Telephone: (615) 726-5600  
[dgrant@bakerdonelson.com](mailto:dgrant@bakerdonelson.com)  
[LKroll@bakerdonelson.com](mailto:LKroll@bakerdonelson.com)

For the Defendants:

Mr. Pablo A. Varela  
Ms. Janet Kleinfelter  
Attorneys at Law  
500 Dr. Martin L. King Jr., Blvd.  
Nashville, TN 37243  
[Pablo.Varela@aq.tn.gov](mailto:Pablo.Varela@aq.tn.gov)

Also present:

Chris Massey and Charles Powell, Videographers

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The video deposition of Juanita Shaw, taken on behalf of the PLAINTIFFS, at 10:05 A.M., on the 30th day of September, 2022, for all purposes under the Tennessee Rules of Civil Procedure, to be used for ALL PURPOSES, in the above-styled cause, before Katy Beres Melcher, Court Reporter, at 211 Commerce Street, Suite 800, Nashville, Tennessee in accordance with the following stipulation.

## STIPULATION

The formalities as to notice, caption, certificate, transmission, et cetera, are expressly waived.

It is agreed that Katy Beres Melcher, being a Licensed Court Reporter for the State of Tennessee may swear the witness remotely.

\* \* \*                    \* \* \*                    \* \* \*

1           THE VIDEOGRAPHER: Here begins the  
2 deposition of Juanita Shaw in the matter of  
3 Tennessee Conference of the National  
4 Association for the Advancement of Colored  
5 People on behalf of itself and all its members,  
6 et al. versus William Lee in his official  
7 capacity as Governor in the State of Tennessee,  
8 et al. This case is pending in the United  
9 States Court for the Middle District of  
10 Tennessee. The civil action number is  
11 3:20-CV-01039.

12           Today's date is September 30th, 2022, and  
13 the time on the video monitor is 10:05. The  
14 video operator today is Charles Powell. This  
15 video deposition is taking place at Baker  
16 Donelson, 1600 West End Avenue, Suite 2000  
17 Nashville, Tennessee 37203.

18           Counsel, please identify yourselves and  
19 state whom you represent.

20           MS. BOWIE: Blair Bowie, counsel for  
21 Plaintiffs.

22           MR. GRANT: Denmark Grant, counsel for  
23 Plaintiffs.

24           MR. VARELA: Pablo Varela and Janet  
25 Kleinfelter for the Defendants.

1                   THE VIDEOGRAPHER: Would the court  
2                   reporter please swear in the witness.

3                   - - -

4

5                   JUANITA SHAW,

6 having been first duly sworn, testified as follows:

7 EXAMINATION BY MS. BOWIE:

8                   Q        Okay. Good morning.

9                   A        Good morning.

10                  Q        How are you today?

11                  A        I'm well.

12                  Q        All right. Well, thanks for coming down  
13 here. Again, my name is Blair. I'm representing  
14 the Plaintiffs in this case.

15                  So, I'm going to go over just some  
16 instructions before we start just so we can set some  
17 ground rules and you know what to expect. But  
18 before we begin, I want to tell you why we have  
19 asked you here, and I want to be clear it's not  
20 because we think you have done anything wrong. You  
21 know, in fact, we know you have been really helpful  
22 to folks who are trying to restore their voting  
23 rights. We have asked you here because we are  
24 trying to establish some facts around the  
25 Certificate of Restoration process, and we know you

1 know that process. So, we want you to help us put  
2 some things on the record, okay?

3 A Okay.

4 Q All right. Have you ever sat for a  
5 deposition before?

6 A No.

7 Q Okay. So, first time. All right. So,  
8 I'll go over the rules just so you understand what  
9 it's like. So, obviously, I'll be asking you some  
10 questions.

11 The court reporter is going to be  
12 transcribing everything that you say. So, to make  
13 things easy on her, I want us to try not to speak at  
14 the same time. So, if you are talking, I'll try to  
15 be quiet and wait until you finish, and if you could  
16 do the same for me, that would be great. Same when  
17 the counsel for the State is speaking. And just  
18 make sure that she can get everything on the record.  
19 Just try to please answer everything out loud with  
20 words, not nodding or shaking your head or anything  
21 like that.

22 If you don't understand a question  
23 for any reason, just let me know and I'll try to  
24 rephrase it. If you do answer it, I'll assume that  
25 understood the question. You might hear the

1 attorneys for the State object. They are doing that  
2 to put the objection on the record, but you should  
3 still answer the question.

4 If you need a break at anytime, you  
5 need water, you need coffee, just let us know.  
6 We're happy to accommodate that. I'm hoping we can  
7 keep this relatively short. Does that sound good?

8 A Sounds great.

9 Q Okay. Do you understand that you are  
10 under oath today?

11 A I do.

12 Q Okay. And is there any reason why you  
13 cannot give truthful answers to any questions today?

14 A No.

15 Q Okay. Are you taking any medications that  
16 impair your memory?

17 A No.

18 Q Do you have any conditions that impair  
19 your memory?

20 A No.

21 Q Okay. Could you please state and spell  
22 your full name for the record.

23 A Juanita Shaw, J-U-A-N-I-T-A S-H-A-W.

24 Q Thank you. Before you were asked to  
25 testify today, have you -- had you heard about this

1 lawsuit?

2 A No.

3 Q Okay. And since you have been asked to  
4 testify, have you become familiar with any of  
5 the details of this lawsuit?

6 A No.

7 Q Okay. Well, I'm going to give you  
8 something now.

9 MS. BOWIE: Please mark this as Exhibit A.

10 (The above-referred to document was thereupon marked  
Shaw Exhibit A, and is attached hereto.)

11  
12 BY MS. BOWIE:

13 Q If you could, would you just read the  
14 beginning of the caption up at the top here. So  
15 that's starting with the "Tennessee Conference of  
16 the National Association for the Advancement of  
17 Colored People."

18 A Okay. So you want me to read the --

19 Q Yeah, I just want us to get familiar --

20 A Okay.

21 Q -- so we're on the same page.

22 A "Tennessee Conference of the National  
23 Association for the Advancement of Colored People,  
24 on behalf of itself and its members, and Lamar  
25 Perry, Curtis Gray Jr., John Weare, Benjamin

1 Tournier, and Amanda Lee Martin, for themselves and  
2 those similarly situated."

3 Q Okay. Thank you. And then you can just  
4 read to yourself the Defendants there.

5 A Okay.

6 Q Okay. And could you read the title for  
7 the document please. You can just read it to  
8 yourself.

9 A (Witness complies.)

10 Q And then, if you don't mind, over on Page  
11 2, would you read paragraph 2 out loud.

12 A "The primary pathway to voting rights  
13 restoration in Tennessee is a Certificate of  
14 Restoration of Voting Rights ("COR"). Tennessee law  
15 makes clear that an individual who meets certain  
16 criteria-including completion of sentence and  
17 certain legal financial obligations-has a statutory  
18 right to a COR. The legislature intended the COR  
19 system to streamline and make uniform and objective  
20 the voting rights restoration process, which had  
21 previously primarily depended on judicial  
22 discretion. The legislature assigned Defendants  
23 responsibility for managing the COR process. But  
24 due to Defendants' failure to administer the law  
25 properly, the process is far from streamlined,

1 uniform, or objective. It is opaque, decentralized,  
2 inaccurate, and inaccessible."

3 Q Thank you. Are you familiar with any of  
4 the Plaintiffs in this case that are listed on the  
5 first page?

6 A I don't believe so.

7 Q Okay.

8 A Not that I'm -- no.

9 Q Okay. And if you don't mind skipping to  
10 paragraph 122, and that's going to be on Page 36.

11 A Okay.

12 Q Would you -- you can just read that to  
13 yourself.

14 A Okay.

15 Q Thank you. And then, at the very end on  
16 Page 45, can you look this over and just let us know  
17 if you are familiar with any of the folks on this  
18 page.

19 A I am familiar with Keeda Haynes.

20 Q Okay. How do you know Ms. Haynes?

21 A Ms. Haynes is a representative of the Free  
22 Hearts organization.

23 Q Uh-huh. And how do you know Free Hearts  
24 organization?

25 A I came to know Free Hearts organization

1 during the 2020 election year.

2 Q Okay. In what capacity?

3 A As a probation parole manager.

4 Q Yeah. And what -- what kind of work have  
5 you done with Free Hearts or --

6 A So, I've assisted with preparation of  
7 CORs.

8 Q Okay. So, it's your understanding that  
9 Free Hearts helps people get their Certificates of  
10 Restoration?

11 A Correct.

12 Q Okay. Thank you. Um, so, have you ever  
13 been asked to, um, produce or review any documents  
14 for this case?

15 A No.

16 Q Okay. So you have not been asked to  
17 search for or produce any records pertaining to  
18 Certificates of Restoration for this case?

19 A No.

20 Q Okay. And you have not been asked to  
21 search for or produce any communications like emails  
22 for this case?

23 A No.

24 Q Okay. How did you prepare for this  
25 deposition today?

1 A I didn't.

2 Q Okay. That's totally fine. So, did you  
3 discuss this deposition with anyone else?

4 A No.

5 Q Okay. How did you find out that you were  
6 being asked to sit?

7 A I received an email.

8 Q Okay.

9 A Email notification.

10 Q Okay. Who was that email from?

11 A I believe the email may have come  
12 from -- I think his name is Brice. He may be the  
13 legal assistant counsel for our department.

14 Q Okay.

15 A I believe. I'm really not -- yeah, I'm  
16 not sure. I know he was included in the email.

17 Q Okay. Got it. And did you discuss this  
18 deposition with your supervisor?

19 A Well, I made her aware. Once I received  
20 the email, I forwarded the email to her.

21 Q Got it.

22 A And so -- yeah.

23 Q But you didn't discuss any of --

24 A No.

25 Q -- the topic of it or anything?

1 A No.

2 Q Okay. All right. And you haven't  
3 reviewed any documents to prepare for this?

4 A No.

5 Q Okay. Anything else that you might have  
6 done to prepare for this deposition?

7 A No.

8 Q All right. All right. Well, let's --  
9 let's change topics --

10 MR. VARELA: Just for the record, she has  
11 discussed this with counsel but beyond that --

12 MS. BOWIE: Yes, I understand that.

13 MR. VARELA: Just to clarify that. Beyond  
14 that, she hasn't.

15 MS. BOWIE: Okay. Thanks, Pablo.

16 BY MS. BOWIE:

17 Q All right. Let's turn to your  
18 professional and educational background, if you  
19 don't mind. Can you please start by describing or  
20 summarizing your educational background.

21 A My educational background consists of I  
22 have a bachelor's degree in criminal justice,  
23 master's degree in criminal justice administration  
24 and that's pretty much it.

25 Q Okay. And when did you start working at

1           the Tennessee Department of Correction?

2           A       I started working for Tennessee Department  
3 of Correction maybe March of 1999.

4           Q       Okay.

5           A       So, yeah.

6           Q       Awhile back?

7           A       Well, the department has merged. So, it  
8 was once BOPP. Now it's one department, so, yeah.

9           Q       Got it. And so when you started, just to  
10 be clear, were you working for Department of  
11 Correction or BOPP?

12          A       TDOC.

13          Q       Got it. And what position did you hold  
14 there when you began working?

15          A       So when I was first hired, I, um, started  
16 as a correction officer.

17          Q       Okay. And what were your duties in that  
18 role?

19          A       Um, my job responsibility would have been  
20 to provide security for, um, a group of inmates in  
21 housing units, just various tasks, um, clerical  
22 tasks, just all depending --

23          Q       Okay. Got it.

24          A       -- on what was needed.

25          Q       How long were you in that role?

1 A I was there for maybe six years.

2 Q Okay.

3 A Six -- six years.

4 Q While you were in that role, did you have  
5 any responsibilities that pertained to the  
6 restoration of voting rights?

7 A No.

8 Q Okay. And did you hold any other  
9 positions before you started working at TDOC?

10 A Um, with -- no. I have had other jobs  
11 prior to working with TDOC. I've had multiple jobs.  
12 So, I mean, do you want me to list all of the jobs I  
13 have had?

14 Q Any that are relevant to correctional  
15 work?

16 A Well, none are relevant.

17 Q Okay. And so, after that first position  
18 as a correction officer, what was the trajectory of  
19 your career with TDOC?

20 A So, I left the correctional position in  
21 July of 2005 and joined BOPP, which would have been  
22 the Board of Probation and Parole in 2005. And I've  
23 been there ever since.

24 Q Okay. And what positions have you held  
25 with BOPP?

1           A       Probation Officer One, Probation Officer  
2        Two, Probation Officer Three, Probation Parole  
3       Manager. I served as an Interim Director.

4           Q       And does One, Two, and Three, do those  
5        designate levels of the position?

6           A       It does, yeah.

7           Q       Okay. And in those roles, were you  
8        responsible for anything having to do with the  
9       restoration of voting rights of folks with felony  
10      convictions?

11          A       As a probation parole manager, yes.

12          Q       Okay. So, not as an officer but as a  
13      manager?

14          A       Correct.

15          Q       And as an Interim Director, as well?

16          A       No.

17          Q       Okay. Um, in your current position --  
18      which is manager, correct?

19          A       Uh-huh.

20          Q       -- what are your duties?

21          A       So, my duties consist of, um, I have  
22      oversight of a team of probation officers.

23          Q       Uh-huh.

24          A       I am the voters restoration coordinator  
25      for my district.

1 Q Okay.

2 A Um, assist with just various tasks  
3 throughout the office but primarily provide an  
4 oversight for the probation officers, supervising a  
5 team of probation officers.

6 Q How many probation officers do you  
7 supervise?

8 A I currently have a team of five.

9 Q Okay. And is that all of the officers at  
10 your location or are there multiple teams there?

11 A There are multiple teams.

12 Q Okay. So, in your role as voter  
13 restoration coordinator for the district, would you  
14 say that you are primarily responsible for issuing  
15 Certificates of Restoration?

16 MR. VARELA: Object to the form.

17 BY MS. BOWIE:

18 Q You can answer.

19 A I'm not primarily responsible. Each  
20 individual officer is responsible for completing a  
21 voters restoration --

22 Q Okay.

23 A -- for their assigned cases.

24 Q Do you issue any of the Certificates  
25 yourself?

1           A       I don't issue the Certificates. So, once  
2 the Certificates are completed, they are submitted  
3 to another agency.

4           Q       What agency is that?

5           A       The Criminal Court Clerk's Office.

6           Q       So, I'm going to come back to that, and  
7 we'll talk more about that later. But so, I just  
8 want to be clear. The officers that you supervise  
9 fill out Certificate of Restoration?

10          A       Correct.

11          Q       And you also fill out Certificates of  
12 Restoration?

13          A       I do.

14          Q       Okay. Are there others in the office that  
15 fill out Certificates of Restoration?

16          A       All managers, all officers.

17          Q       Okay. And when you say that you are the  
18 voter restoration coordinator for the district, what  
19 does that mean?

20          A       So, basically what that means is that once  
21 a Certificate is completed by an officer or a  
22 manager, then those Certificates are then submitted  
23 to me.

24          Q       Okay.

25          A       And -- and I keep the record of the

1 Certificates.

2 Q Okay. So you keep a copy of all  
3 Certificates that are filled out?

4 A Correct.

5 Q Okay. Do you also track those in any  
6 other way besides keeping a copy of them?

7 A No.

8 Q Okay. And when you say that you are the  
9 voter restoration coordinator for the district, what  
10 do you mean by the district?

11 A So, Tennessee Department has multiple  
12 districts. Um, district -- the District 40 is the  
13 middle region district. That's the district that's  
14 located in Nashville. So, we have districts  
15 throughout the state.

16 Q And what geographical area does District  
17 40 cover?

18 A The middle region. Well, the Nashville,  
19 Davidson County area.

20 Q Okay. So just Davidson County?

21 A Uh-huh.

22 Q And all of Davidson County?

23 A Correct.

24 Q Okay.

25 A Well, no, not all of Davidson County.

1 Q Not all. Okay.

2 A Just Davidson County probation, Davidson  
3 County probation.

4 Q Right. Geographically, all of Davidson  
5 but just probation?

6 A Well, we have a parole office in Davidson  
7 County, as well. So, that's why I said --

8 Q Got it.

9 A -- Davidson County probation office, the  
10 state probation office in Davidson County.

11 Q Okay. Thank you for clarifying that. All  
12 right. And who is your supervisor?

13 A Norisha Atkins.

14 Q And do you know who her supervisor is?

15 A Ian McCarty.

16 Q Okay. And what is Norisha's role? What  
17 is Ms. Atkins's role?

18 A Norisha is the district director for  
19 District 40.

20 Q Okay. And you said Ian McCarty?

21 A Ian.

22 Q Ann?

23 A Ian.

24 Q Ian, okay.

25 A Ian McCarty.

1 Q And what is their role?

2 A Ian McCarty is the correctional  
3 administrator for the middle region.

4 Q Okay. Thank you. So, now I'm just going  
5 to talk a little bit more about the process  
6 of issuing Certificates of Restoration.

7 A Okay.

8 Q So, how long have you worked on  
9 Certificates of Restoration?

10 A I'm going to say approximately four years.

11 Q Okay. And so, is that how long you have  
12 been a manager?

13 A No.

14 Q Okay.

15 A Um, yeah, no.

16 Q So, when you were a manager before four  
17 years, that just wasn't part of your job  
18 responsibilities?

19 A Correct.

20 Q Okay. So when you were delegated or  
21 started taking on that role, what sort of training  
22 did you receive?

23 MR. VARELA: Object to the form. You can  
24 answer.

1 BY MS. BOWIE:

2 Q You can still answer, yeah.

3 A I didn't necessarily receive any training.

4 Q Okay. How did you figure out where to  
5 begin?

6 A Well, the COR is kind of self-explanatory,  
7 you know, with basic information for the offenders.  
8 So, it's based on information that's within our  
9 database. If it's not there, then, you know, there  
10 are other realms that we go about to obtain that  
11 information. So, it wasn't any real training.

12 Q Were you given any materials?

13 A No.

14 Q Okay. Were you given any policies?

15 A So, we, TDOC, has policies to address  
16 everything that we do.

17 Q Okay. So you were given policies on  
18 voting rights restoration?

19 A The policies are available.

20 Q The policies are available. Were you  
21 asked to look over those?

22 A No.

23 Q Okay. Did you look over them?

24 A I've read -- yes.

25 Q Since then or when --

1 A No.

2 Q -- started?

3 A No.

4 Q Okay. And did they give you -- or how  
5 were you given that role? Let me ask it that way.

6 A I wasn't really given the role. I kind of  
7 took the role on my -- I took the initiative to take  
8 on the role.

9 Q Okay.

10 A So it wasn't really -- it wasn't delegated  
11 to me or anything like that. It was -- you know, I  
12 would say that I'm probably one of the senior  
13 managers in the office. And so, you know, we used  
14 to have someone else who handled voters restoration.  
15 And I'm familiar with it, so I just took on the  
16 process.

17 Q Got it. Who handled it before you?

18 A Charlotte Mann.

19 Q And how are you familiar with it?

20 A How am I familiar with?

21 Q How were you familiar with it when --  
22 before you were working on it?

23 A Well, I mean, we would have to go to  
24 Charlotte Mann if there was a question about the  
25 voters restoration.

1 Q Okay. And before you -- so were you  
2 filling them out at the time then?

3 A No.

4 Q She was only filling them out?

5 A Yes.

6 Q Okay. So, since then you now have your  
7 own probation officers that you are supervising.  
8 Have you trained them on how to fill out the  
9 Certificates?

10 A Yes.

11 Q How do you do that?

12 A Well, so basically when an offender -- if  
13 the situation arises to where a COR is needed, then  
14 officers will, you know, come to me, you know, and  
15 I'll explain to them the process and how many need  
16 to be completed, go through for which cases we  
17 complete a COR, and so on and so forth.

18 Q When does a situation arise that they need  
19 to be completed?

20 A Once an offender has successfully  
21 completed supervision.

22 Q And at that point, what happens?

23 A A case closure process, a case closure  
24 review is completed, the officer documents closing  
25 the case, and documents completing a COR. And then

1 Q Okay. Where did that come from?

2 A I receive lists from Free Hearts, lists  
3 from the representative with the Davidson County  
4 Criminal Court Clerk's Office.

5 Q Okay. Have you received a list from  
6 anywhere else?

7 A No.

8 Q Okay. So we have covered, in terms of  
9 requests, requests from the individual, requests  
10 from sort of a non-profit or the organization that's  
11 helping them, and requests from the clerks. Are  
12 there any other types of requests that you have  
13 received or requests from other actors?

14 A Not that I can recall.

15 Q Okay. Have you ever been asked to start a  
16 Certificate by someone and determined that that  
17 request was improper or coming from the wrong  
18 person?

19 MR. VARELA: Object to the form.

20 THE WITNESS: I'm not aware of a time  
21 where I've received such.

22 BY MS. BOWIE:

23 Q Okay. Do requests typically come in  
24 writing?

25 A Electronic maybe, email.

1 Q Sometimes email?

2 A Via email. I don't ever receive a request  
3 in writing, you know, unless you want to refer to an  
4 email as in writing.

5 Q Okay. And if somebody calls on the phone,  
6 do you make a record of that?

7 A I do.

8 Q Where do you make that record?

9 A So, if it's a phonecall and I'm in my  
10 office, then I'll take down information on a notepad  
11 or a sticky note.

12 Q Do you put that into an electronic  
13 database anywhere?

14 A No.

15 Q Okay. So a sticky note or a notepad. Do  
16 people ever come into the probation's office and ask  
17 for a Certificate in person?

18 A There has been some in the past, yes.

19 Q Okay. And is there a record created of  
20 that?

21 A So, if someone comes into the office, in  
22 most cases they will either -- if I'm there, they  
23 will reach out -- the front desk will call me and  
24 will take down the individual's information. And  
25 so, again, I'll document the information on a sticky

1 note. If I'm not there, the front desk will  
2 document the information, and then they will send me  
3 an email letting me know that someone -- the  
4 individual has come in to request a copy of their --  
5 or request their voters' rights application.

6 Q Got it. Do you save the sticky note after  
7 you finish?

8 A No.

9 Q Okay. So the sticky notes are a running  
10 to-do list?

11 A Correct.

12 Q Got it. I do that, too. Okay. And do  
13 the officers that you supervise make a record of any  
14 requests that they receive?

15 A So, the officers don't receive requests.  
16 I don't know that they receive requests. That's  
17 never been brought to my attention, that the  
18 officers received a request.

19 Q Okay. So, do your officers directly meet  
20 with probationers?

21 A Yes.

22 Q Okay. So, you don't know of any instance  
23 where the probationer has asked for their voting  
24 rights restorations in a meeting?

25 A Not to my knowledge.